

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

LORRAINE DAILEY,	)	
	)	CIVIL ACTION FILE NO.:
Plaintiff,	)	
	)	
v.	)	
	)	[Removed from
	)	The State Court of
WALMART, INC.	)	Fulton County;
	)	Civil Action File No.
	)	23EV000210]
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant WALMART, INC., by and through counsel, within the time prescribed by law, and without waiving any defenses, file this Notice of Removal, respectfully showing this Honorable Court, as follows:

**1.**

Plaintiff Lorraine Dailey filed a negligence suit against the Defendants in the State Court of Fulton County, Georgia styled as above and numbered as Civil Action File No. 23EV000210. Fulton County is in the Atlanta Division of this Court. 28 U.S.C. § 90 (a)(2).

**2.**

Plaintiff is a Georgia citizen.

**3.**

Walmart Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas. It was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit, or at any time thereafter.

**4.**

Complete diversity of citizenship exists between Plaintiff and Defendant.

**5.**

Defendant Walmart, Inc. has not been served with a copy of the summons and complaint.

**6.**

Plaintiff filed her lawsuit on January 11, 2023. Therefore, defendant has timely removed this case pursuant to 28 U.S.C. §1446(b)(1) which provides that the “notice of removal of a civil action or proceeding shall be filed within thirty (30) days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based ....” Accordingly, this Notice of Removal is filed within thirty days of Walmart, Inc.’s receipt of the initial pleading “through

service or otherwise.

**7.**

Plaintiff alleges past medical expenses of \$60,000.00 and “seeks an award in excess of \$75,000.00.” *Compl.*, p. 5, ¶ 22.

**8.**

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because complete diversity exists between the parties and the amount in controversy exceeds \$75,000.00.

**9.**

Pursuant to 28 U.S.C. § 1446, Defendants have attached as Exhibit “A” copies of all process, pleadings and Orders that were served on and/or provided to Defendant, including copies of all pleadings that have been filed to date in the State Court of Fulton County, Georgia for the above-styled case.

**10.**

Pursuant to 28 U.S.C. §1446, Defendant is not required to file a removal bond.

**11.**

A true and correct copy of this Notice of Removal shall be filed with the Clerk of the State Court of Fulton County, as required by 28 U.S.C. §1446.

**12.**

Written notice of the filing of this Notice of Removal shall be given to all Parties, through their counsel of records, as required by 28 U.S.C. §1446.

WHEREFORE, Defendants pray that the above-captioned lawsuit would be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division.

This 10<sup>th</sup> day of February, 2023.

WALDON ADELMA CASTILLA  
HIESTAND & PROUT

/s/ Casey J. Brown  
Jonathan M. Adelman  
Georgia Bar No. 005128  
Casey J. Brown  
Georgia Bar No. 757384  
Attorneys for Walmart, Inc.

900 Circle 75 Parkway  
Suite 1040  
Atlanta, Georgia 30339  
(770) 953-1710  
[jadelman@wachp.com](mailto:jadelman@wachp.com)  
[cbrown@wachp.com](mailto:cbrown@wachp.com)

**CERTIFICATE OF COMPLIANCE**

On this date, the undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court pursuant to Local Rule 5.1B. The foregoing pleading has been prepared in 14-point Times New Roman font.

This 10th day of February, 2023.

WALDON ADELMAN CASTILLA  
HIESTAND & PROUT

/s/ Casey J. Brown  
Jonathan M. Adelman  
Georgia Bar No. 005128  
Casey J. Brown  
Georgia Bar No. 757384  
Attorneys for Walmart, Inc.

900 Circle 75 Parkway  
Suite 1040  
Atlanta, Georgia 30339  
(770) 953-1710  
[jadelman@wachp.com](mailto:jadelman@wachp.com)  
[cbrown@wachp.com](mailto:cbrown@wachp.com)

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

LORRAINE DAILEY,	)	
	)	CIVIL ACTION FILE NO.:
Plaintiff,	)	
	)	
v.	)	
	)	[Removed from
	)	The State Court of
WALMART, INC.	)	Fulton County;
	)	Civil Action File No.
	)	23EV000210]
	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, on this the 10th day of February, 2023, I electronically filed the foregoing *Notice of Filing of Notice of Removal to Federal Court* with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

Mitchell B. Ladson, Esq.  
Morgan & Morgan  
408 12<sup>th</sup> Street  
Suite 200  
Columbus, GA 31901  
(762) 240-9450  
mladson@forthepeople.com

This 10th day of February, 2023.

WALDON ADELMAN CASTILLA  
HIESTAND & PROUT

/s/ Casey J. Brown

Jonathan M. Adelman  
Georgia Bar No. 005128  
Casey J. Brown  
Georgia Bar No. 757384  
Attorneys for Walmart, Inc.

900 Circle 75 Parkway  
Suite 1040  
Atlanta, Georgia 30339  
(770) 953-1710  
[jadelman@wachp.com](mailto:jadelman@wachp.com)  
[cbrown@wachp.com](mailto:cbrown@wachp.com)